

ORDINANCE NO. 2013-_____

**AN ORDINANCE TO AMEND CHAPTER 220 OF THE TOWN CODE, ENTITLED
"ZONING," RELATING TO AMENDMENTS TO THE ZONING CODE.**

WHEREAS, the Charter of the Town of Milton vests power in the Town Council to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

WHEREAS, the Charter of the Town of Milton vests power in the Town Council to zone or district the Town and make particular provisions for particular zones or districts with regard to building or building material, and generally to exercise all powers and authorities vested in the legislative body of cities and incorporated towns under and by virtue of Chapter 3, Title 22 of the Delaware Code; and

WHEREAS, the Town Council of the Town of Milton has previously found it necessary for the aforementioned purposes to enact a zoning ordinance, codified as Chapter 220 of the Town Code; and

WHEREAS, pursuant to Chapter 220, the Town Council of the Town of Milton may, from time to time, on its own motion or on petition or upon recommendation by the Planning and Zoning Commission, amend, supplement or change the boundaries of the districts or the zoning regulations after public notice and hearing; and

WHEREAS, the Town of Milton Planning and Zoning Commission held a duly noticed hearing on _____ and voted _____ in the Advisory Report received by Town Council; and

WHEREAS, The Town Council held a public hearing on _____, as scheduled by prior resolution, with proper notice by publication and my mailing as required by Town Code Section 220-101;

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Town Council of the Town of Milton, a majority thereof concurring, that the following revisions hereby by incorporated into Chapter 220 of the Town Code, entitled "Zoning."

Section 1. Amend Section 220-99 of the Town Code, entitled "Advisory report to Town Council," with additions shown by underlining and deletions shown by strikethrough as follows:

Every proposed amendment, unless initiated by the Planning and Zoning Commission, ~~may~~shall be referred by the Town Council to the Planning and Zoning Commission. ~~If referred,~~The Planning and Zoning Commission shall report in writing its recommendations thereon to the Town Council and the Code Enforcement Officer, accompanied by a full statement of the reasons for such recommendations, prior to the public hearing. If the Planning and Zoning Commission fails to report within a period of 45 days from the date of receipt of notice or such longer time as may have been agreed upon by it and the Town Council, the Town Council may

act without such report. If the Planning and Zoning Commission recommends disapproval of the proposed amendment, or recommends modification thereof, the Town Council shall not act contrary to such disapproval or recommendation except by a four-fifths vote.

I, **MARION JONES**, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Town Council of the Town of Milton at its meeting held on the ____ day of _____, **2013**, following a duly noticed public hearing, at which a quorum was present and voting throughout and that the same is still in full force and effect.

MAYOR

SYNOPSIS

This ordinance amends the Town Code's zoning ordinance amendment process. The ordinance confirms the Council's discretion in referring a proposed amendment to the Planning and Zoning Commission, as opposed to the referral being mandatory. Thus, this ordinance removes an inconsistency between the seemingly mandatory referral in Section 220-99 and the ability under Section 220-98 to amend the zoning ordinance on its own motion or upon recommendation by the Planning and Zoning Commission.